

# TEXAS COURT OF CRIMINAL APPEALS

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**No. PD-0848-20**

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FILED  
COURT OF CRIMINAL APPEALS  
2/12/2021  
DEANA WILLIAMSON, CLERK

***Stoyan K. Anastassov, Appellant,***  
***v.***  
***State of Texas, Appellee***

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**On Discretionary Review from the Fifth Court of Appeals  
Nos. 05-19-00396-CR & 05-19-00397-CR**

**On Appeal from the 292nd District Court, Dallas County  
Nos. F15-50349 & F15-50350**

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## **Michael Mowla's Motion to Withdraw as Counsel for Anastassov**

**Michael Mowla**  
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Texas Bar No. 24048680  
Attorney for Anastassov

## **To the Honorable Judges of the Texas Court of Criminal Appeals:**

Michael Mowla files this motion to withdraw as counsel for Appellant Stoyan K. Anastassov under Tex. Rule App. Proc. 6.5:

### **I. Motion**

1. On August 12, 2020, in *Anastassov v. State*, Nos. 05-19-00396-CR & 05-19-00397-CR (Tex.App.-Dallas Aug. 12, 2020) (mem. op.), the Court of Appeals affirmed the judgments of conviction and sentences. Undersigned counsel Michael Mowla filed the petition for discretionary review (“PDR”) for Anastassov as authorized by Anastassov. The State Prosecuting Attorney (“SPA”) also filed a PDR on an issue unrelated to the those raised by Anastassov in his PDR. On October 8, 2020, Mowla filed a response to the SPA’s PDR.

2. On January 13, 2021, this Court refused Anastassov’s PDR. However, this Court granted the SPA’s PDR. The SPA filed its brief on February 3, 2021.

3. On February 5, 2021, Mowla filed a letter with this Court, explaining that he is not authorized by Anastassov to file another brief on his behalf. Mowla explained that on October 8, 2020, he filed the

Response to the SPA's PDR and has no additional arguments to make about the issue. Mowla also informed the Court that if Anastassov wishes to file a separate response brief or retain an attorney to do so, he may.

4. However, on February 8, 2021, this Court rejected the letter, explaining (*see* Appendix):

Counsel has a mandatory duty to file an Appellant's brief. Texas Rules of Appellate Procedure 38 and 70.2; *see* Hunter v. State, 954 S.W.2d 767, 769 (Tex.Crim.App. 1995). If counsel does not intend to continue representation, please file a motion to withdraw to that effect. Otherwise, appellant's brief remains due March 8, 2021.

5. Because Mowla is not authorized to file another brief on Anastassov's behalf, Mowla files this motion to withdraw under Tex. Rule App. Proc. 6.5. The information required by Rule 6.5(a) follows:

6. The only known deadline or setting is that the Response Brief is due on March 8, 2021 per the Court's notice in the attached email.

Anastassov's last known address and telephone number are:

Stoyan Anastassov 02252961  
Coffield Unit  
2661 FM 2054  
Tennessee Colony, TX 75884  
Unit number: (903) 928-2211

This motion is delivered to Mr. Anastassov by certified and first-class

mail. Mr. Anastassov will be notified of the right to object to the motion.

7. Finally, should this Court grant this motion, Mowla will immediately notify Mr. Anastassov in writing of any deadlines or settings that Mowla attorney knows about at the time of withdrawal but that were not previously disclosed to Mr. Anastassov. Mowla will file a copy of the notice with the court clerk.

## II. Conclusion

Attorney for Anastassov prays that this Court grant this motion to withdraw as counsel for Appellant Anastassov.

Respectfully submitted,

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/s/ Michael Mowla  
Michael Mowla

### III. Certificate of Service

I certify that on February 11, 2021, a copy of this document was served by efile on the Dallas County District Attorney's Office to DCDAAppeals@dallascounty.org and Kimberly.Duncan@dallascounty.org, on the State Prosecuting Attorney to stacey.soule@spa.texas.gov, john.messinger@spa.texas.gov, and [information@spa.texas.gov](mailto:information@spa.texas.gov), and on Appellant Anastassov by USPS Certified Mail RRR and first-class mail.



/s/ Michael Mowla  
**Michael Mowla**

# Appendix

## Notification of Returned Service for Case: PD-0848-20, for filing Letter

No-Reply@eFileTexas.gov &lt;No-Reply@eFileTexas.gov&gt;

Mon 2/8/2021 11:00 AM

To: Michael Mowla &lt;michael@mowlalaw.com&gt;



## Filing Returned

Case Number: PD-0848-20

Case Style:

The filing below, previously served to you, has been returned to the filer for further action.

Return Reason(s) from Clerk's Office	
Returned Reason	Other
Return Comments	Counsel has a mandatory duty to file an Appellant's brief. Texas Rules of Appellate Procedure 38 and 70.2; see Hunter v. State, 954 S.W.2d 767, 769 (Tex.Crim.App. 1995). If counsel does not intend to continue representation, please file a motion to withdraw to that effect. Otherwise, appellant's brief remains due March 8, 2021.

Document Details	
Court	Courts of Appeals
Case Number	PD-0848-20
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Date/Time Submitted	2/5/2021 4:07 PM CST
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Filed By	Michael Mowla

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Michael Mowla on behalf of Michael Mowla  
Bar No. 24048680  
michael@mowlalaw.com  
Envelope ID: 50600941  
Status as of 2/12/2021 8:27 AM CST

Associated Case Party: State Prosecuting Attorney

Name	BarNumber	Email	TimestampSubmitted	Status
TexasSPA TexasSPA		information@spa.texas.gov	2/11/2021 11:55:50 PM	SENT
Stacey Soule		stacey.soule@spa.texas.gov	2/11/2021 11:55:50 PM	SENT
John Messinger		john.messinger@spa.texas.gov	2/11/2021 11:55:50 PM	SENT

#### Case Contacts

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Michael Mowla		michael@mowlalaw.com	2/11/2021 11:55:50 PM	SENT